

REMARKS

Status Summary

In this amendment, no claims are added and no claims are canceled. Therefore, claims 1-50 remain pending.

Claim Rejections - 35 U.S.C. § 103

Claims 1-50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2006/0212385 to Bent et al., (hereinafter, "Bent") and U.S. Patent Application Publication No. 2003/0023529 to Jacobsen, (hereinafter, "Jacobsen") in view of "Matching Small Banks with Large Muni Deposits," (hereinafter, "Finistar Publication"). This rejection is respectfully traversed.

On page 4, the official action indicates that Bent and Jacobsen fail to disclose elements (b), (d), and (g) of independent claim 1 of the present specification but that the Finistar Publication (referred to in the official action as "NPL reference") discloses these features. Applicants respectfully submit that the rejection should be withdrawn because the Finistar Publication is not prior art to the claims. The Finistar Publication is dated October 4, 2005. The filing date of the subject application is August 21, 2003. Since the filing date of the application is earlier than the publication date of the Finistar Publication, the Finistar Publication is not prior art, and it is respectfully submitted that the rejection of all the claims as unpatentable over Bent and Jacobsen and further in view of the Finistar Publication should be withdrawn.

Further, even assuming for the sake of argument that the Finistar Publication could be considered prior art, the activities referred to in the Finistar Publication are applicants' own activities, as Finistar, Inc., is the assignee of the subject application. Accordingly, to the extent that the Finistar Publication could qualify as prior art under 35 U.S.C. § 102(f)/103, it is respectfully submitted that the Finistar Publication does not qualify as prior art because the claimed subject matter and the subject matter of the Finistar Publication were commonly owned at the time the invention was made. Accordingly, for this additional reason, it is respectfully submitted that the rejection of the claims as unpatentable over Bent and Jacobsen in view of the Finistar Publication should be withdrawn.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

Serial No.: 10/645,778

DEPOSIT ACCOUNT

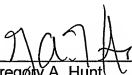
The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

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By: _____


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